

A Public Hearing was held October 13, 2005 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Town of Marilla. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published and posted pursuant to the provisions of the Town Law. Approximately (18) persons were in attendance. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss stated that the Public Hearing regarding the use of Federal Community Development funds in the Town of Marilla was now open. Supervisor Foss asked for public comment.

Hearing no comments from those in attendance, the hearing was closed at 7:34p.m.

Respectfully Submitted,

_____ Town Clerk

Public Hearing
October 13, 2005

A Public Hearing was held October 13, 2005 at 7:35 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. The purpose of the hearing was to consider Local Law No. 3 of the year 2005 entitled “ Local Law Amending the Sign and Billboard Regulations of the Town of Marilla”. The Town Clerk presented affidavits showing that certified copies of the Order Calling a Public Hearing had been published in the Alden Advertiser, the Elma Review and East Aurora Advertiser as well as posting it on the Official Bulletin Board pursuant to the provisions of the Town Law. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Approximately (18) persons were in attendance. Supervisor Foss asked if there was any interested person who desired to be heard.

Hearing no comment the hearing was closed at 7:38 p.m.

Respectfully Submitted,

_____ Town Clerk

A regular meeting of the Marilla Town Board was held October 13, 2005 at 7:40 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John Foss, Supervisor
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman
Barbara Spanitz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

The Memorial Pavilion Committee members; Joyce Cullen, Sally Kutter and Warren Handley presented \$1500 to the Marilla Library which was raised from the pie auction held on September 25th and thanked everyone for helping to support our library.

2006 Budget Message from Town Supervisor

He has finished the budget for 2006 and it is currently under review by Town Board members. A copy of the budget is available in the Town Clerks office for review. The situation at the County is going to have an effect on our budget for many years and we have to be prepared to make tough decisions in our budget process. He has included no new projects in our budget to help conserve funds for future expenses we may incur due to changes at the County. He did not include Sheriff's patrols as an expense as we already pay for this service and he refuses to pay twice for something he believes is mandated by State and County charters and past precedent.

He has included the Library in our budget as this is not a mandated requirement of the County but he believes is a very important part of the history of our Town and based on its use deserves to be maintained as a chartered member of the State Library system.

General Fund—The General Fund is up 3% from last year. The main increases are 3% raises for all employees and the inclusion of \$20,000 in the Library budget line. The actual requirement for funding is \$15,000 that he was unaware of when he prepared the budget. The Town Board will have the option to change this budget line when we do the preliminary budget October 18th. There will be no General Fund tax again this year and we will continue to have sufficient reserves to take care of any emergencies.

Highway—The Highway budget will be up 15% due to extra energy costs, the addition of one man to the department last Spring, and the plowing of more roads for the County. The County will pay the Town for this extra work that will bring in additional revenue. The tax rate will remain the same at 65 cents per thousand due to increased revenues from the County and I am adding more sales tax revenue to the Highway budget to keep from having to raise property tax.

Sanitation—Sanitation fee remains the same but future fuel costs will determine rates in budget for upcoming years. Current reserves will cover any extra costs due to energy costs.

Fire and Emergency Services—This budget is up 4% due to compensation and fire alarm costs. The Firemen have done a good job in controlling their costs and their contract request of a 4% increase when compared to medical costs that are rising at a faster rate. The tax rate will rise 4 cents per thousand or about \$4 per family.

Water Districts—Water District budgets will remain the same except for District II that will see a drop in their rate due to the settlement of the lawsuit against the contractor.

The Town Board will meet on October 18th in the basement of the Town Hall to do the preliminary Budget. This is a public meeting but is not open for discussion by the public. The public hearing will be held at our regular Board meeting November 10th at 7:30 pm in the Board room. Submitted by John Foss, Town Supervisor

Communications

1. Marilla Free Library thanked John Foss and the Town Board for their efforts to keep the Marilla Library open.
2. The Marilla United Methodist Church will be sponsoring a raking day blitz on Sunday, November 6th to rake for the elderly and shut in residents.

Committee Reports

Highway Superintendent Dave Pierce reported that the soccer fields have been seeded and aerated and they are currently fixing things up at the Town Park.

Councilman Spanitz reported that the EMW Little League Football and Cheerleading will be hosting its annual cheerleading competition at Iroquois High School on Sunday, October 23rd. To help cover the cost of this event we are soliciting donations from area companies and we as a Town Board together gave our personal donation for this worthy organization.

Councilman Gertz reported that on Saturday, October 15th the Northeast Southtowns Solid Waste Management will be sponsoring an electronic, computers and textile recycling day from 9:00 to 2:00 pm at the ECC South Campus in Orchard Park. The Town Code can be viewed on our Town web site under the Building Inspector, and we also have disaster preparedness on the site as well.

Councilman Handley reported that the CAB had a speaker from the Army Corp of Engineers to discuss wetlands, you can pick up brochures in the Town Clerk's Office.

Supervisor Foss gave the following report concerning the proposed Golf Course on Stolle Road:

1. 198 acres total acreage in project
2. Current assessment will remain, even after project is completed.
3. The Golf Course and Structures will be assessed but will be exempt from: County, School and Highway Tax. The Highway Tax will amount to about \$500.00 per year, and is the only loss to the Town. The Golf Course will pay Fire, Sanitation and Water District Tax. The vast majority of taxes collected in Marilla go to the County and School Districts.
4. All profits from the Golf Course will be returned to the Town for use in Recreational activities: Boys and Girls Club, Tri-town youths, soccer groups, Town Parks and similar activities. We will not share this revenue with any other government.
5. One Town Board Member will sit on the Board of Directors of the non-profit organization to represent the town.
6. The Town has no investment or risk.
7. The project will remain under USDA annual audit and review.
8. The request to use USDA as the funding source was approved by a unanimous vote, at our January Board meeting, 01/06/05.
9. This is similar to Businesses that apply for tax-exempt status from the county. This will preserve jobs. This compares to what farmers and landowners now receive on land taxes and 10-year exemptions for new constructions.
10. There will be 25 to 30 jobs created for local residents.

11. There are no houses as part of the project. If Mr. Handy decided to build houses instead he could have sold 6 lots now as there are 3 deeds as part of the project and sell 6 more in 5 years. I would rather have the golf course with its potential income and jobs for our residents.

Open Board Presentations From the Public

Resident Dan Handy stated that he will not own the Golf Course and will not take any profits from the Golf Course.

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Public Hearing held on 9/8/05 and the Regular Meeting held on 9/8/05. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Handley to authorize John R. Foss, Town Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG.

1. Rural Transit – The Supervisor is also authorized to submit a letter committing the Town of Marilla to the Rural Transit Program for 2006-2007. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to authorize the Town of Marilla to participate in the Rural Transit Van Service for 2006 and 2007. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to set the date and time for Public Hearings on the Firemen's Contract and the 2006 Annual Budget at 7:30 p.m. for November 10th 2005. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, the Town of Marilla has received a request from the Town of Bennington dated October 11, 2005 requesting permission from the Town of Marilla to purchase water from the Erie County Water Authority utilizing water lines owned by Water District No. 4 of the Town of Marilla, which letter also sets forth their agreement to purchase the capacity in the Marilla Water Tower for a one time fee of \$80,000; and

WHEREAS, the Town Board of the Town of Marilla is willing to cooperate and assist its neighboring municipality so long as it can do so without harming the interests of the residents of the Town of Marilla including those in Water District No. 4; and

WHEREAS, the Town of Bennington has requested a written acknowledgment from the Town of Marilla agreeing to allow the Town of Bennington access to water through the lines of Water District No. 4.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MARILLA

1. That the Supervisor of the Town of Marilla is authorized to send a letter to the Town of Bennington signifying the willingness of the Town of Marilla to allow the Town of Bennington to receive water through the lines of Water District No. 4.
2. That such letter shall also specify that prior to allowing the Town of Bennington to connect and receive water through the lines of

Water District No. 4, the parties must enter into an intermunicipal agreement specifying the conditions of such approval which must include, among other things, that such approval is subject to obtaining the consent of the Erie County Water Authority, that such approval is subject to the purchase by the Town of Bennington of the excess capacity in the Marilla Water Storage tank, and such other terms and conditions as the Town Board, on advise of counsel, shall determine to be reasonably necessary to protect the interest of the residents of the Town of Marilla and property owners in Water District No. 4.

3. This resolution shall take effect immediately
Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the following resolution adopting the determination of non-significance of Local Law No. 3 of 2005:

WHEREAS, the Town Board of the Town of Marilla is considering adoption of a Local Law amending the existing sign and billboard regulations of the Town of Marilla to more adequately regulate signs and billboards in the Town of Marilla; and

WHEREAS, the Town Board of the Town of Marilla is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, the proposed action appears to be an Unlisted Action pursuant to the Rules and Regulations of the State Environmental Quality Review Act

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Marilla, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment; and be it further

RESOLVED, that the Town Board of the Town of Marilla hereby finds that the proposed responses inserted in Part II of the said Environmental Assessment Form are satisfactory and approved; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to complete and execute the Part III of the said Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved and the Town Clerk is hereby authorized and directed to file the same in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Supervisor Foss – Aye

Motion Carried.

Councilman Gertz – Aye

Councilman Handley – Aye

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve the following resolution for Local Law No. 3 entitled “Local Law Amending the Sign and Billboard Regulations of the Town of Marilla”

(See attached addendum for Local Law No. 3 Labeled a-2005)

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Specht – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize the Supervisor to sign the 1 year contract with the Erie County Highway Department for snow removal on county roads in the Town of Marilla which are plowed by the Town of Marilla Highway Department.
Motion Carried.

Report of Town Officials

Building Inspector John Fronczek submitted a written report with 9 building applications received totaling fees of \$558.00 building permits issued with a value of \$76,600.00, 17 inspections were made, and 2 complaints were acted on. One Variance Application for \$125 was taken. A total of 165 acts of official business were made for the month of September.

Town Attorney Nathan Neill had no report.

The Planning Board will be meeting next Thursday.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Lenny Blizniak reported that the house number sign applications are at the Fire Hall and the Town Hall. He stated that this is fire prevention month and he urged residents to get carbon monoxide detectors.

Hubert Kutter reported that the Tiger Scouts from West Seneca toured the museum. The Museum currently has Iroquois School 50th Anniversary exhibit. They have on exhibit lots of memorabilia, year books, and the first graduating class of 1956. The Museum is open Sunday 1-4 pm, November 6th 1-4 pm and November 20th 2-4 pm.

Marilla Fire Company’s Ladies Auxiliary member, Joyce Cullen reported that they will be having a chowder sale on November 6th starting at 11 a.m. until it’s gone. It will be \$2.50 a bowl and they will also be selling hard rolls, beverages and desserts a la carte. They will also be holding a meat raffle on November 5th.

Open Board Presentations

Councilman Specht stated that he is willing to give Mystic Pines Golf Course a try. He is not in favor of giving the county any more money.

Councilman Spanitz commended the Planning Board for all of their work on the Sign and Billboard Law.

Supervisor Foss stated that his Secretary Carla Miley is doing well, she had him over to lunch for Bosses Day. He thanked the Town Clerk’s Office Staff and Kim Parker for helping out while Carla’s been out. He commented on the article in the Elma Review where some Elma Town Board Members made derogatory remarks concerning our Town and the Library situation. He realizes that they are frustrated with the situation but our library is a focal point of the community and he wishes them the best and hopes they can keep their Library open and functional.

Resident Jake Argauer asked if the Town has access to the water in the water tower?

Town Engineer responded that the top 20 feet in the town is empty and Erie County Water Authority owns it, if the Town of Bennington would come on line the ECWA would sell the 20 feet to Marilla which in the long run would help the people currently at the end of the line with pressure.

Resident Candy Moran asked which is the last water district to go in?

Town Engineer answered Water District V would be able to be serviced from the existing Tank if funding is available.

Supervisor Foss stated that we looked into Water District VI but because of the high cost of about \$1200 per household residents overwhelmingly turned it down. Holland has now pulled out of the water district, part of Wales.

Town Attorney Nathan Neill stated that it is not looking good for Rural Development to release money.

Code Enforcement Officer John Fronczek reminded residents to clean out their fire places and wood stoves.

All claims have been previously reviewed by Councilman Handley and Councilman Gertz.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 418-483	\$	26,302.67
Highway Fund Claims, Vouchers 169-182	\$	8,976.85
Special Districts		
Sanitation (SR), Vouchers 91-100	\$	11,267.27
Special Fire, Voucher	\$.00
Water District #2, Voucher 24	\$	2,942.40
Water District #3, Vouchers 12-14	\$	1,906.40
Water District #4, Voucher 10	\$	817.40
Community Development PACE 4-9	\$	10,877.56
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:25 p.m. Motion Carried.

Respectfully Submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman